

SENATE BILL NO. 169—SENATORS HARDY;
GUSTAVSON AND ROBERSON

FEBRUARY 17, 2011

JOINT SPONSOR: ASSEMBLYMAN SHERWOOD

Referred to Committee on Legislative Operations and Elections

SUMMARY—Sets forth requirements relating to the determination of the order of layoffs of certain public employees. (BDR 23-417)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to public employees; prohibiting state and local government employers from assigning greater weight to the seniority of employees than to the service rating of employees when determining the order of layoffs; requiring certain collective bargaining agreements between local government employers and employee organizations to prohibit the local government employer from assigning greater weight to the seniority of employees than to the service rating of employees when determining the order of layoffs of certain employees; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 The State, each county whose population is 100,000 or more (currently Clark
2 and Washoe Counties), certain charter cities (Boulder City, Carson City,
3 Henderson, Las Vegas, North Las Vegas, Reno and Sparks) and the boards of the
4 airport authorities (Airport Authority of Battle Mountain, Airport Authority of
5 Carson City and the Reno-Tahoe Airport Authority) maintain civil service systems
6 for certain employees, and a county whose population is less than 100,000 may
7 maintain such a system but is not required to. (Chapter 284 of NRS, NRS 245.213;
8 Boulder City Charter Art. VII, Carson City Charter § 2.330, Henderson City
9 Charter § 9.010, Las Vegas City Charter § 10.010, North Las Vegas City Charter
10 Art. IX, Reno City Charter Art. IX, Sparks City Charter Art. IX; Airport Authority
11 Act for Battle Mountain, § 30, Airport Authority Act for Carson City, § 24,



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12 Reno-Tahoe Airport Authority Act § 29) The civil service systems provide rules
13 and procedures for hiring, promoting and otherwise managing the employees who
14 are part of each system. **Sections 1, 8-10 and 12-18** of this bill prohibit a state or
15 local government employer that is reducing its workforce by laying off employees
16 who are part of the applicable civil service system from assigning greater weight to
17 the seniority of employees than to the service rating of employees when
18 determining the order of the layoffs. **Sections 5-7 and 11** of this bill prohibit,
19 respectively, courts and other employers in the Judicial Department, the Legislative
20 Counsel Bureau and the Board of Regents of the University of Nevada, all of whose
21 employees work outside of the state civil service system, from assigning greater
22 weight to the seniority of employees than to the service rating of employees when
23 determining the order of any layoffs. **Sections 2 and 3** of this bill require the
24 procedures for workforce reduction included in a collective bargaining agreement
25 between a local government employer and an employee organization to prohibit the
26 local government employer from assigning greater weight to the seniority of
27 employees than to the service rating of employees when determining the order of
28 any layoffs.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 284.380 is hereby amended to read as follows:
2 284.380 1. In accordance with regulations, an appointing
3 authority may lay off an employee in the classified service
4 whenever the appointing authority deems it necessary by reason of
5 shortage of work or money or of the abolition of a position or of
6 other material changes in duties or organization.
7 2. Among other factors, an appointing authority shall consider,
8 in the manner provided by regulation **§** and *this subsection*, the
9 status, seniority and service rating of employees in determining the
10 order of layoffs. *An appointing authority may not assign greater*
11 *weight to the seniority of employees than to the service rating of*
12 *employees when determining the order of layoffs.*
13 3. Within a reasonable time before the effective date of a
14 proposed layoff, the appointing authority shall give written notice
15 thereof to the Director. The Director shall make such orders relating
16 thereto as the Director considers necessary to secure compliance
17 with the regulations.
18 4. The name of every regular employee so laid off must be
19 placed on an appropriate reemployment list.
20 **Sec. 2.** Chapter 288 of NRS is hereby amended by adding
21 thereto a new section to read as follows:
22 *The procedures for reducing the workforce of a local*
23 *government employer included in a collective bargaining*
24 *agreement pursuant to paragraph (v) of subsection 2 of NRS*
25 *288.150 must prohibit the local government employer from*



1 *assigning greater weight to the seniority of employees than to the*
2 *service rating of employees when determining the order of layoffs.*

3 **Sec. 3.** NRS 288.150 is hereby amended to read as follows:

4 288.150 1. Except as provided in subsection 4, every local
5 government employer shall negotiate in good faith through one or
6 more representatives of its own choosing concerning the mandatory
7 subjects of bargaining set forth in subsection 2 with the designated
8 representatives of the recognized employee organization, if any, for
9 each appropriate bargaining unit among its employees. If either
10 party so requests, agreements reached must be reduced to writing.

11 2. The scope of mandatory bargaining is limited to:

12 (a) Salary or wage rates or other forms of direct monetary
13 compensation.

14 (b) Sick leave.

15 (c) Vacation leave.

16 (d) Holidays.

17 (e) Other paid or nonpaid leaves of absence.

18 (f) Insurance benefits.

19 (g) Total hours of work required of an employee on each
20 workday or workweek.

21 (h) Total number of days' work required of an employee in a
22 work year.

23 (i) Discharge and disciplinary procedures.

24 (j) Recognition clause.

25 (k) The method used to classify employees in the bargaining
26 unit.

27 (l) Deduction of dues for the recognized employee organization.

28 (m) Protection of employees in the bargaining unit from
29 discrimination because of participation in recognized employee
30 organizations consistent with the provisions of this chapter.

31 (n) No-strike provisions consistent with the provisions of this
32 chapter.

33 (o) Grievance and arbitration procedures for resolution of
34 disputes relating to interpretation or application of collective
35 bargaining agreements.

36 (p) General savings clauses.

37 (q) Duration of collective bargaining agreements.

38 (r) Safety of the employee.

39 (s) Teacher preparation time.

40 (t) Materials and supplies for classrooms.

41 (u) The policies for the transfer and reassignment of teachers.

42 (v) ~~[Procedures]~~ *Subject to the provisions of section 2 of this*
43 *act, procedures* for reduction in workforce.



1 3. Those subject matters which are not within the scope of
2 mandatory bargaining and which are reserved to the local
3 government employer without negotiation include:

4 (a) Except as otherwise provided in paragraph (u) of subsection
5 2, the right to hire, direct, assign or transfer an employee, but
6 excluding the right to assign or transfer an employee as a form of
7 discipline.

8 (b) The right to reduce in force or lay off any employee because
9 of lack of work or lack of money, subject to paragraph (v) of
10 subsection 2.

11 (c) The right to determine:

12 (1) Appropriate staffing levels and work performance
13 standards, except for safety considerations;

14 (2) The content of the workday, including without limitation
15 workload factors, except for safety considerations;

16 (3) The quality and quantity of services to be offered to the
17 public; and

18 (4) The means and methods of offering those services.

19 (d) Safety of the public.

20 4. Notwithstanding the provisions of any collective bargaining
21 agreement negotiated pursuant to this chapter, a local government
22 employer is entitled to take whatever actions may be necessary to
23 carry out its responsibilities in situations of emergency such as a
24 riot, military action, natural disaster or civil disorder. Those actions
25 may include the suspension of any collective bargaining agreement
26 for the duration of the emergency. Any action taken under the
27 provisions of this subsection must not be construed as a failure to
28 negotiate in good faith.

29 5. The provisions of this chapter, including without limitation
30 the provisions of this section, recognize and declare the ultimate
31 right and responsibility of the local government employer to manage
32 its operation in the most efficient manner consistent with the best
33 interests of all its citizens, its taxpayers and its employees.

34 6. This section does not preclude, but this chapter does not
35 require the local government employer to negotiate subject matters
36 enumerated in subsection 3 which are outside the scope of
37 mandatory bargaining. The local government employer shall discuss
38 subject matters outside the scope of mandatory bargaining but it is
39 not required to negotiate those matters.

40 7. Contract provisions presently existing in signed and ratified
41 agreements as of May 15, 1975, at 12 p.m. remain negotiable.

42 **Sec. 4.** NRS 288.195 is hereby amended to read as follows:

43 288.195 Whenever an employee organization enters into
44 negotiations with a local government employer, pursuant to NRS
45 288.140 to 288.220, inclusive, *and section 2 of this act*, such



1 employee organization may be represented by an attorney licensed
2 to practice law in the State of Nevada.

3 **Sec. 5.** Chapter 1 of NRS is hereby amended by adding thereto
4 a new section to read as follows:

5 *If any court, the Commission on Judicial Selection, the*
6 *Commission on Judicial Discipline or the Court Administrator*
7 *reduces its workforce by laying off employees, the court, the*
8 *Commission on Judicial Selection, the Commission on Judicial*
9 *Discipline or the Court Administrator may not assign greater*
10 *weight to the seniority of employees than to the service rating of*
11 *employees when determining the order of layoffs.*

12 **Sec. 6.** Chapter 2 of NRS is hereby amended by adding thereto
13 a new section to read as follows:

14 *If the Supreme Court or the Clerk of the Supreme Court*
15 *reduces its workforce by laying off employees, the Supreme Court*
16 *or Clerk may not assign greater weight to the seniority of*
17 *employees than to the service rating of employees when*
18 *determining the order of layoffs.*

19 **Sec. 7.** Chapter 218F of NRS is hereby amended by adding
20 thereto a new section to read as follows:

21 *If the Director of the Legislative Counsel Bureau reduces the*
22 *workforce of the Legislative Counsel Bureau by laying off*
23 *employees, the Director may not assign greater weight to the*
24 *seniority of employees than to the service rating of employees*
25 *when determining the order of the layoffs.*

26 **Sec. 8.** Chapter 245 of NRS is hereby amended by adding
27 thereto a new section to read as follows:

28 *1. In each county whose population is 100,000 or more, if the*
29 *county, or a department thereof, reduces its workforce by laying*
30 *off employees who are part of the merit personnel system*
31 *established pursuant to NRS 245.213, the county or department*
32 *may not assign greater weight to the seniority of employees than to*
33 *the service rating of employees when determining the order of the*
34 *layoffs.*

35 *2. In a county whose population is less than 100,000 and in*
36 *which a merit personnel system has been established pursuant to*
37 *NRS 245.213, if the county, or a department thereof, reduces its*
38 *workforce by laying off employees who are part of the merit*
39 *personnel system, the county or department may not assign greater*
40 *weight to the seniority of employees than to the service rating of*
41 *employees when determining the order of the layoffs.*

42 **Sec. 9.** NRS 245.214 is hereby amended to read as follows:

43 245.214 The board of county commissioners shall administer
44 the provisions of NRS 245.213 to 245.216, inclusive, *and section 8*



1 *of this act* through the promulgation of appropriate rules and
2 regulations and the employment of clerical and administrative staff.

3 **Sec. 10.** NRS 245.215 is hereby amended to read as follows:

4 245.215 1. The board of county commissioners shall adopt
5 regulations for any merit personnel system established pursuant to
6 the provisions of NRS 245.213 to 245.216, inclusive ~~§~~ , *and*
7 *section 8 of this act*. The regulations must provide:

8 (a) For the classification of all county positions, not exempt
9 from the merit personnel system, based on the duties, authority and
10 responsibility of each position, with adequate provision for
11 reclassification of any position whatsoever whenever warranted by
12 changed circumstances.

13 (b) A pay plan for all county employees, including exempt
14 employees other than elected officers that are covered in other
15 provisions of NRS or by special legislative act.

16 (c) ~~[Policies]~~ *Subject to the provisions of section 8 of this act,*
17 *policies* and procedures for regulating reduction in force and the
18 removal of employees.

19 (d) Hours of work, attendance regulations and provisions for
20 sick and vacation leave.

21 (e) Policies and procedures governing persons holding
22 temporary or provisional appointments.

23 (f) Policies and procedures governing relationships with
24 employees and employee organizations.

25 (g) Policies concerning employee training and development.

26 (h) Grievance procedures.

27 (i) Other policies and procedures necessary for the
28 administration of a merit personnel system.

29 2. Regulations adopted pursuant to this section for a merit
30 personnel system established by a board of county commissioners
31 pursuant to subsection 2 of NRS 245.213 must not exempt any
32 employees other than those who are specifically exempted from
33 such a merit personnel system pursuant to NRS 245.216.

34 3. In the event of a conflict between the policies and
35 procedures adopted pursuant to this section and the provisions of a
36 collective bargaining agreement entered into pursuant to chapter 288
37 of NRS, the provisions of the agreement prevail.

38 **Sec. 11.** Chapter 396 of NRS is hereby amended by adding
39 thereto a new section to read as follows:

40 *If the Board of Regents reduces its workforce by laying off*
41 *professional employees of the System, the Board of Regents may*
42 *not assign greater weight to the seniority of the employees than to*
43 *the service rating of the employees when determining the order of*
44 *layoffs.*



1 **Sec. 12.** The Charter of Boulder City is hereby amended by
2 adding thereto a new section to be designated as section 71,
3 immediately following section 70, to read as follows:

4 *Section 71. Layoff. If the City, or a department*
5 *thereof, reduces its workforce by laying off employees to*
6 *whom the civil service rules and regulations apply, the City*
7 *or department may not assign greater weight to the seniority*
8 *of employees than to the service rating of employees when*
9 *determining the order of the layoffs.*

10 **Sec. 13.** Section 2.330 of the Charter of Carson City, being
11 chapter 690, Statutes of Nevada 1979, as amended by chapter 238,
12 Statutes of Nevada 2007, at page 814, is hereby amended to read as
13 follows:

14 Sec. 2.330 Employees: Merit Personnel System.

15 1. The Board of Supervisors shall establish a Merit
16 Personnel System for all employees of Carson City except
17 those exempted under the provisions of subsection 4.

18 2. The Board of Supervisors shall administer this section
19 through the adoption of appropriate regulations which shall
20 provide for:

21 (a) The classification of all positions, not exempt from the
22 Merit Personnel System, based on the duties, authority and
23 responsibility of each position, with adequate provision for
24 reclassification of any position whatsoever whenever
25 warranted by changed circumstances.

26 (b) A pay plan for all employees, including exempt
27 employees other than elected officers that are covered in
28 NRS 245.043.

29 (c) ~~Policies~~ *Subject to the provisions of subsection 5,*
30 *policies* and procedures for regulating reduction in force and
31 the removal of employees.

32 (d) Hours of work, attendance regulations and provisions
33 for sick and vacation leave.

34 (e) Policies and procedures governing persons holding
35 temporary or provisional appointments.

36 (f) Policies and procedures governing relationships with
37 employees and employee organizations.

38 (g) Policies concerning employee training and
39 development.

40 (h) Grievance procedures.

41 (i) Other policies and procedures necessary for the
42 administration of a Merit Personnel System.

43 3. In the event of a conflict between the policies and
44 procedures adopted pursuant to this section and the provisions



1 of a collective bargaining agreement entered into pursuant to
2 chapter 288 of NRS, the provisions of the agreement prevail.

3 4. There are exempted from the provisions of this
4 section:

5 (a) The Manager and all department heads, elected or
6 appointed;

7 (b) All deputy district attorneys;

8 (c) Not more than six employees in the Office of the
9 Sheriff, as designated by the Sheriff; and

10 (d) Not more than two deputies each in the offices of the
11 Clerk, the Treasurer, the Recorder, the Assessor, and any
12 other department created by this Charter or by ordinance.

13 *5. If Carson City, or a department thereof, reduces its*
14 *workforce by laying off employees who are part of the Merit*
15 *Personnel System, Carson City or the department may not*
16 *assign greater weight to the seniority of employees than to*
17 *the service rating of employees when determining the order*
18 *of the layoffs.*

19 **Sec. 14.** Section 9.010 of the Charter of the City of Henderson,
20 being chapter 266, Statutes of Nevada 1971, as last amended by
21 chapter 108, Statutes of Nevada 2003, at page 604, is hereby
22 amended to read as follows:

23 Sec. 9.010 Civil Service.

24 1. There is hereby created a System of Civil Service,
25 applicable to and governing the employment of all employees
26 of the City except department heads, the City Clerk, the City
27 Attorney, assistant city attorneys, the City Manager, assistant
28 city managers, assistants to the City Manager, the
29 Intergovernmental Relations Director, any elected officer and
30 any employee that reports directly to an elected officer.

31 2. The System of Civil Service must be administered by
32 a Civil Service Board composed of five persons appointed by
33 the City Council.

34 3. The Board shall prepare regulations governing the
35 System of Civil Service to be adopted by the City Council.
36 The regulations must provide for:

37 (a) Examination of potential employees.

38 (b) Procedures for recruitment and placement.

39 (c) Classification of positions.

40 (d) Procedures for promotion, disciplinary actions and
41 removal of employees.

42 (e) Such other matters as the Board may deem necessary.

43 4. *If the City, or a department thereof, reduces its*
44 *workforce by laying off employees who are part of the*
45 *System of Civil Service, the City or department may not*



1 *assign greater weight to the seniority of employees than to*
2 *the service rating of employees when determining the order*
3 *of the layoffs.*

4 5. Copies of the regulations governing the System of
5 Civil Service must be distributed to all employees of the City.

6 **Sec. 15.** Section 10.010 of the Charter of the City of Las
7 Vegas, being chapter 517, Statutes of Nevada 1983, as last amended
8 by chapter 338, Statutes of Nevada 2007, at page 1537, is hereby
9 amended to read as follows:

10 Sec. 10.010 Civil Service.

11 1. There is hereby created a System of Civil Service
12 which is applicable to and governs all of the employees of the
13 City except the elected officials, persons who serve as
14 members of boards, commissioners or committees for which
15 no compensation is received, the City Manager, the City
16 Attorney, persons who are appointed pursuant to sections
17 3.040 and 3.070, persons who hold such probationary,
18 provisional or temporary appointments as are designated in
19 the Civil Service rules, Alternate Judges and persons who
20 hold such other positions as are designated by the City
21 Council.

22 2. The City Council may determine that the System of
23 Civil Service must be administered by a Board of Civil
24 Service Trustees which is composed of five members who are
25 appointed by the City Council for terms of 4 years.

26 3. The City Council shall adopt by ordinance a
27 codification of the rules which govern the System of Civil
28 Service and may from time to time amend those rules. If the
29 System of Civil Service is administered by a Board of Civil
30 Service Trustees, the rules which govern the System of Civil
31 Service, and any amendments thereto, must be reviewed by
32 the Board before the City Council adopts them.

33 4. The rules which govern the System of Civil Service
34 must provide for:

- 35 (a) The examination of potential employees;
36 (b) Recruitment and placement procedures;
37 (c) The classification of positions;
38 (d) Procedures for the promotion of employees;
39 (e) Procedures for disciplinary actions against, and the
40 discharge of, employees;
41 (f) Appeals with respect to actions which are taken
42 pursuant to paragraphs (d) and (e);
43 (g) The acceptance and processing of citizens' complaints
44 against employees; and



1 (h) Such other matters, if any, as the Board of Civil
2 Service Trustees or the City Council deems are necessary or
3 appropriate.

4 5. *If the City, or a department thereof, reduces its*
5 *workforce by laying off employees who are part of the*
6 *System of Civil Service, the City or department may not*
7 *assign greater weight to the seniority of employees than to*
8 *the service rating of employees when determining the order*
9 *of the layoffs.*

10 6. Copies of the rules of the System of Civil Service
11 must be made available to all of the employees of the City.

12 **Sec. 16.** The Charter of the City of North Las Vegas, being
13 chapter 573, Statutes of Nevada 1971, at page 1210, is hereby
14 amended by adding thereto a new section to be designated as section
15 9.040, immediately following section 9.030, to read as follows:

16 *Sec. 9.040 Layoff. If the City, or a department thereof,*
17 *reduces its workforce by laying off employees who are part*
18 *of the Civil Service System, the City or department may not*
19 *assign greater weight to the seniority of employees than to*
20 *the service rating of employees when determining the order*
21 *of the layoffs.*

22 **Sec. 17.** Section 9.140 of the Charter of the City of Reno,
23 being chapter 553, Statutes of Nevada 1973, at page 886, is hereby
24 amended to read as follows:

25 Sec. 9.140 Layoff.

26 1. Whenever in the judgment of the City Council it
27 becomes necessary to reduce the staff of any City department
28 such reduction of staff shall be accomplished pursuant to
29 rules adopted by the Commission designed to encourage
30 interdepartmental transfers and other procedures tending to
31 minimize the impact of layoffs.

32 2. *If the City, or a department thereof, reduces its staff*
33 *by laying off employees who are part of the Civil Service*
34 *System, the City or department may not assign greater*
35 *weight to the seniority of employees than to the service*
36 *rating of employees when determining the order of the*
37 *layoffs.*

38 **Sec. 18.** The Charter of the City of Sparks, being chapter 470,
39 Statutes of Nevada 1975, at page 724, is hereby amended by adding
40 thereto a new section to be designated as section 9.180, immediately
41 following section 9.170, to read as follows:

42 *Sec. 9.180 Layoff. If the City, or a department thereof,*
43 *reduces its workforce by laying off employees, the City or*
44 *department may not assign greater weight to the seniority of*



1 *employees than to the service rating of employees when*
2 *determining the order of the layoffs.*

3 **Sec. 19.** Section 30 of the Airport Authority Act for Battle
4 Mountain, being chapter 458, Statutes of Nevada 1983, at page
5 1216, is hereby amended to read as follows:

6 Sec. 30. Board: Adoption of plan of civil service. The
7 Authority by action of the Board may adopt its own civil
8 service plan to be administered by the Board, which plan
9 must include but need not be limited to the following
10 provisions:

11 1. Entry into the service on the basis of open
12 competition.

13 2. Service, promotions and remuneration of the basis of
14 merit, efficiency and fitness.

15 3. Classifications of the positions in the service.

16 4. The rating of candidates on the basis of publicly
17 announced competitive examinations and the maintenance of
18 list of eligible candidates.

19 5. Employment of candidates from the eligible lists in
20 the highest qualified rating.

21 6. Probationary periods not to exceed 6 months.

22 7. Disciplinary action, suspension or discharge of
23 employees for cause only with the right of notice and review.

24 8. Schedules of compensation and pay increases
25 prepared by the Board.

26 9. Promotion on the basis of ascertained merit, seniority
27 in service and competitive examination.

28 10. Provision for keeping service records on all
29 employees.

30 11. Regulations for hours of work, attendance, holidays,
31 leaves of absence and transfers.

32 12. Procedures for layoffs, discharge, suspension,
33 discipline and reinstatement. *The procedures for layoffs must*
34 *provide that if the Board reduces its workforce by laying off*
35 *employees, the Board may not assign greater weight to the*
36 *seniority of employees than to the service rating of*
37 *employees when determining the order of the layoffs.*

38 13. The exemption from civil service of persons
39 employed to render professional, scientific, technical or
40 expert service of a temporary or exceptional character,
41 persons employed on projects paid from the proceeds of
42 bonds issued by the Authority and persons employed for a
43 period of less than 3 months in any 12-months period.

44 14. Review by the Board, at the request of the employee
45 in question and after notice and public hearing of any



1 disciplinary action, suspension or discharge of any employee,
2 which action, suspension or discharge may be affirmed,
3 modified or reversed by the Board. Findings of fact by the
4 Board are subject to review by any court except for illegality
5 or want of jurisdiction.

6 **Sec. 20.** Section 24 of the Airport Authority Act for Carson
7 City, being chapter 844, Statutes of Nevada 1989, at page 2030, is
8 hereby amended to read as follows:

9 Sec. 24. Board: Adoption of procedures for hiring,
10 promoting and discharging employees. The Board may
11 adopt procedures, to be administered by the Board, for hiring,
12 promoting and discharging its employees, which must include
13 but are not limited to the following:

14 1. Employment on the basis of open, publicly
15 announced, competition.

16 2. Promotions and remuneration on the basis of merit,
17 efficiency, competitive examinations and seniority.

18 3. Classifications of the positions.

19 4. The maintenance of lists of eligible candidates for a
20 position.

21 5. Employment of candidates from the lists in the
22 highest qualified rating.

23 6. Probationary periods not to exceed 6 months.

24 7. Disciplinary action, suspension or discharge of
25 employees for cause only with the right of notice and review.

26 8. Schedules of compensation and increases in pay
27 prepared by the Board.

28 9. Maintenance of personnel records on all employees.

29 10. Regulations for hours of work, attendance, holidays,
30 leaves of absence and transfers.

31 11. Procedures for layoffs, discharge, suspension,
32 discipline and reinstatement. *The procedures for layoffs must*
33 *provide that if the Board reduces its workforce by laying off*
34 *employees, the Board may not assign greater weight to the*
35 *seniority of employees than to the service rating of*
36 *employees when determining the order of the layoffs.*

37 12. The exemption from the procedures of persons
38 employed for scientific, technical or expert service of a
39 temporary or exceptional character, persons employed on
40 projects paid from the proceeds of bonds issued by the
41 Authority and persons employed for a period of less than 3
42 months in any 12-month period.

43 13. Review by the Board, at the request of the employee
44 in question and after notice and public hearing, of any
45 disciplinary action, suspension or discharge of any employee,



1 which may be affirmed, modified or reversed by the Board.
2 Findings of fact by the Board are not subject to review by any
3 court except for illegality or want of jurisdiction.

4 **Sec. 21.** Section 29 of the Reno-Tahoe Airport Authority Act,
5 being chapter 474, Statutes of Nevada 1977, as last amended by
6 chapter 155, Statutes of Nevada 1991, at page 293, is hereby
7 amended to read as follows:

8 Sec. 29. Board: Adoption of plan of civil service. The
9 Authority, by action of the Board, may adopt its own plan of
10 civil service to be administered by the Board. The plan must
11 include, but need not be limited to, the following provisions:

12 1. Entry into the service on the basis of open
13 competition.

14 2. Service, promotions and remuneration on the basis of
15 merit, efficiency and fitness.

16 3. Classifications of the positions in the service.

17 4. The rating of candidates on the basis of publicly
18 announced competitive examinations and the maintenance of
19 lists of eligible candidates.

20 5. Employment of candidates from the eligible lists in
21 the highest qualified rating.

22 6. Probationary periods not to exceed 12 months.

23 7. Disciplinary action, suspension or discharge of
24 employees for cause only with the right of notice and review.

25 8. Schedules of compensation and increases in pay
26 prepared by the Board.

27 9. Promotion on the basis of ascertained merit, seniority
28 in service and competitive examinations.

29 10. Provision for keeping service records on all
30 employees.

31 11. Regulations for hours of work, attendance, holidays,
32 leaves of absence and transfers.

33 12. Procedures for layoffs, discharge, suspension,
34 discipline and reinstatement. *The procedures for layoffs must*
35 *provide that if the Board reduces its workforce by laying off*
36 *employees, the Board may not assign greater weight to the*
37 *seniority of employees than to the service rating of*
38 *employees when determining the order of the layoffs.*

39 13. The exemption from civil service of managers,
40 supervisors, except those supervisors covered by an
41 agreement negotiated pursuant to chapter 288 of NRS, deputy
42 directors, the executive director, persons employed to render
43 professional, scientific, technical or expert service, persons
44 providing services of a temporary or exceptional character,
45 persons employed on projects paid from the proceeds of



1 bonds issued by the Authority and persons employed for a
2 period of less than 3 months in any 12-month period.

3 14. Review by the Board, at the request of the employee
4 in question and after notice and hearing, of any disciplinary
5 action, suspension or discharge of any employee, which
6 action, suspension or discharge may be affirmed, modified or
7 reversed by the Board. The decision of the Board is a final
8 decision in a contested case for the purpose of judicial
9 review. An employee may appeal the decision of the Board to
10 a district court within the time limits and in the manner
11 provided by law for the appeal of administrative decisions of
12 state agencies.

13 **Sec. 22.** This act becomes effective upon passage and approval
14 for the purpose of adopting regulations, ordinances and resolutions
15 and performing any other preparatory administrative tasks that are
16 necessary to carry out the provisions of this act, and on July 1, 2011,
17 for all other purposes.

